

FACSIMILE TRANSMISSION TO
THE UNITED STATES PATENT AND TRADEMARK OFFICE

DATE: 3/21/2003

RE: Serial No.: 09/456,900

Docket No.: PHA 23.870US

TO: Examiner: Nguyen, Thuan T.

Art Unit: 2684

Fax Number: (703) 872-9314

FROM: Michael J. Ure, Reg. No. 33,089

PHILIPS ELECTRONICS NORTH AMERICA CORPORATION
1000 West Maude Avenue
Sunnyvale, California 94085
Phone Number: (408) 617-7703
Fax Number: (408) 617-4856

14 Pages (including cover sheet)

TRANSMISSION INCLUDES:

Brief for Appellant

CERTIFICATE OF TRANSMISSION	
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office at the number listed above	
by <u>Elena Torres</u>	on <u>3/21/03</u>

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C., 20231, ON:

Date: 3/21/03By: Elana J. LeePATENT
Attorney's Docket No. PHA 23.870US#11) Appeal
Brief
mail
3/24/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

ALEXANDRE HENON

Application No.: 09/456,900

Filed: 12/08/1999

Group Art Unit: 2684

Examiner: NGUYEN, THUAN T.

Appeal No. _____

For: METHOD FOR IN-PROGRESS
TELEPHONE CALLTRANSFER
BETWEEN A WIRELESS TELE-
PHONE AND A WIRED TELE-
PHONE USING A SHORT-RANGE
COMMUNICATION CONTROL
LINK

Official

3-51-03
3/24/03

BRIEF FOR APPELLANT

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

This appeal is from the decision of the Primary Examiner dated 10/23/2002, finally
rejecting claims 1-19, which are reproduced as an Appendix to this brief.

The Commissioner is authorized to charge the fee of \$320, and any other fees that
may be required by this paper, to Deposit Account No. 14-12703/25/2003 MGRAVES 00000005 141270 09456900

PATENT
Attorney's Docket No. PHA 23.870US
Page 2

(1) Real Party in Interest

The real party in interest is the assignee, Koninklijke Philips Electronics, N.V.

(2) Related Appeals or Interferences

Applicant is not aware of any related appeals or interferences.

(3) Status of Claims

Claims 1-19 remain pending in the present application. All claims have been finally rejected and all claims are on appeal.

(4) Status of Amendments

All amendments have been entered. No amendment after final has been submitted.

(5) Summary of the Invention

The present invention relates to the transfer of an in-progress telephone call from a wireless device, or terminal, to a wired device or terminal. In accordance with one embodiment of the invention, the wireless device receives an identifier from the wired device over a direct wireless communications link. In an exemplary embodiment, the wireless device is a cell-phone, the wired device is a telephone deskset, and the direct wireless communications link is a Bluetooth™ link. Once the wireless device has received the identifier, it transmits the identifier along with a call transfer request to enable the telephone call to be transferred to the wired device.

(6) The References

The primary reference, Jensen, relates to a combination wired/wireless PBX (local premises) system. The PBX manufacturer has control over both the wired and wireless portions of the system. Transfer of in-progress calls between wired and wireless telephones is described beginning at column 7, line 30. In essence, the user picks up the receiver of the user's wired telephone, which then joins the connection with the wireless (wireless PBX, *not* cellular) telephone. The user then, with the wireless telephone, hangs up on the connection, leaving only the wired telephone connected.

Johansson, as illustrated in the cover figure thereof, relates to a cordless telephone network system that interfaces and is integrated with both the cellular communications network and the public switch telephone network. A wireless handset is provided that can communicate with either the cellular communication network (directly) or the public switch telephone network, or PSTN (through an interface adapter 210). A wireless headset is provided that can communicate with either the wireless handset directly or the PSTN through the adapter. Hence, both the handset and the headset can be used for either wireless or wired calls, the headset for wireless calls communicating with the cellular network through the handset.

McGraw relates to a telephone "follow-me" system. A transmitter unit to be carried on one's person communicates a person's presence to various different telephones (e.g., home, car, work). When a particular phone detects the person's presence, it makes a communication to automatically register with a telephone system central switch to cause the person's calls to be forwarded to that phone. When the person's presence is no longer detected, the phone de-registers.

(7) The Rejection

In the Final Rejection of October 23, 2002, Claims 1-19 were rejected based on Jensen et al. in combination with one or both of Johansson and McGraw et al. The rejection states in part:

[I]t would have been obvious ... to modify Jensen's in-progress call transferring technique among wireless devices and wired devices with Johansson's teaching (technique) of using "short-range wireless communications" among devices as disclosed in order to provide an enhanced method of transferring in-progress calls between a wireless device and a wired device....

* * *

[I]t would have been obvious ... to modify Jensen and Johansson's disclosed technique with McGraw's teaching (technique) in routing calls in order to obtain an enhanced system that can offer or provide call transferring requests to a wireline telephone

(8) Issue

The sole issue presented is whether claims 1-19 would have been obvious based on Jensen et al. in combination with one or both of Johansson and McGraw et al.

For purposes of the present appeal only, claims 2-5, 12, 16 and 17 may be considered to stand or fall with the respective claims from which they depend.

(9) Argument

An important object of Jensen is "to provide a telecommunication system where

PATENT
Attorney's Docket No. PHA 23.870US
Page 5

wireless telephones and conventional wired telephones are integrated to permit an in-progress telephone conversation to be transferred between wired and wireless telephones without further action by the telecommunication switch that facilitated the initial call completion" (col. 1, lines 60-70). This object is further elaborated on at col. 8, lines 10-20:

Thus, the subscriber continues the conversation initiated with the wireless telephone using his wire telephone 32 without: (a) loss of connection with the other party; (b) requiring a new call origination; (c) requiring any additional actions by the telecommunication switch 56.

Of course, the purpose of the identifier recited in the present claims (claims 1, 8, 18 and 19) is precisely to enable a new call origination. Otherwise, no identifier would be needed, just as no identifier is needed in Jensen. Clearly, Jensen taken alone does not teach or suggest the present invention but rather teaches contrary to the present invention.

Independent claim 14 does not specifically make reference to an identifier. However, claim 14 does set forth "means operative *in the wireless device* for transferring an in-progress telephone call from the wireless device to the wireline device." No such means is present in Jensen et al.

Considering now the secondary references, Johansson and McGraw, neither reference relates to in-progress call transfer between a wireless device and wired device.

Johansson, as illustrated in the cover figure, relates to a cordless telephone network system that interfaces and is integrated with both the cellular communications network and the public switch telephone network. A wireless handset is provided that can communicate with

either the cellular communication network (directly) or the public switch telephone network, or PSTN through an interface adapter 210). A wireless headset is provided that can communicate with either the wireless handset directly or the PSTN through the adapter. Hence, both the handset and the headset can be used for either wireless or wired calls, the headset for wireless calls communicating with the cellular network through the handset.

✓ There is, however, absolutely no discussion in Johansson of in-progress call transfer.

McGraw relates to a telephone "follow-me" system. A transmitter unit to be carried on one's person communicates a person's presence to various different telephones (e.g., home, car, work). When a particular phone detects the person's presence, it makes a communication to automatically register with a telephone system central switch to cause the person's calls to be forwarded to that phone. When the person's presence is no longer detected, the phone de-registers.

✓ Again, there is, absolutely no discussion in Johansson of in-progress call transfer.

Since Jensen et al. teaches a very different kind of in-progress call transfer than that claimed, and since the secondary references contain no teachings concerning in-progress call transfer, Applicant submits that the invention as claimed in independent claims 1, 8, 14, 18 and 19 would not have been obvious in view of the proposed combination(s) of references.

Considering now various ones of the dependent claims, it may be seen the refer-

ences also fail to teach or suggest the features of these claims.

Claim 6 relates to receiving the identifier in a network and re-routing the in-progress call to the wired device. Again, Jensen et al. explicitly teaches away from the use of any such identifier. The secondary references are silent. Claims 7 and 11 specify that the identifier is a telephone number of the wired telephone.

Claims 9 and 10 specify the type of link that the identifier is transmitted over. Since there is no teaching in the references of transmitting such an identifier, there can be no teaching of the type of link employed.

Claim 13 relates to how the link that the identifier is transmitted over is established. Claim 15 relates to various aspects of the identifier. The foregoing observation therefore applies with equal force with respect to these claims.

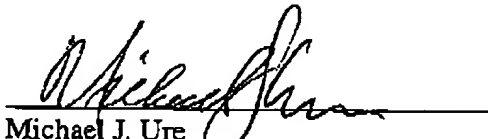
PATENT
Attorney's Docket No. PHA 23.870US
Page 8

(10) CONCLUSION

For the foregoing reasons, claims 1-19 would have been obvious based on Jensen et al. in combination with one or both of Johansson and McGraw et al.

Applicant respectfully submits therefore that the Final Rejection should be REVERSED.

Respectfully submitted,


Michael J. Ure
Attorney for Applicant
Registration No. 33,089

Date: March 20, 2003

APPENDIX OF CLAIMS

1. A method of transferring an in-progress telephone call between a wireless device and a wired device, comprising:
 - establishing a short-range wireless communication link directly between the wireless device and wired device;
 - at the wireless device, receiving an identifier that has been transmitted from the wired device to the wireless device over the direct wireless communication link; and
 - at the wireless device, transmitting the identifier together with a call transfer request to enable the telephone call to be transferred to the wired device.
2. The method as described in Claim 1 wherein the short-range wireless communication link conforms to a given radio frequency (RF) protocol.
3. The method as described in Claim 2 wherein the given RF protocol is Bluetooth.
4. The method as described in Claim 1 wherein the short-range wireless communications link is an infrared link.
5. The method as described in Claim 1 further comprising:
 - at the wireless device, transmitting a request message to the wired device requesting transmission of the identifier.

6. The method as described in Claim 1 further comprising:

in a network, receiving the identifier and the call transfer request transmitted from the wireless device; and
re-routing the in-progress call to the wired device.

7. The method as described in Claim 1 wherein the identifier is a telephone number of the wired telephone.

8. A method of transferring an in-progress telephone call between a wireless device and a wired device, comprising:

establishing a first wireless communication link directly between the wireless and wired devices when the devices are in physical proximity to each other;

at the wireless device, transmitting a request message to the wired device over the first direct wireless communication link requesting transmission of an identifier;

at the wireless device, receiving the identifier that has been transmitted directly from the wired device to the wireless device over the first direct wireless communication link;

at the wireless device, transmitting the identifier together with a call transfer request to a network device over a second communication link; and

at the network device, receiving the identifier together with the call transfer request and re-routing the in-progress call to the wired device.

9. The method as described in Claim 8 wherein the first direct wireless communication link is a short-range wireless radio communication link.
10. The method as described in Claim 8 wherein the first direct wireless communication link is a short-range wireless infrared communication link.
11. The method as described in Claim 8 wherein the Identifier is a telephone number of the wired device.
12. The method as described in Claim 8 further comprising disconnecting the wireless device from the in-progress telephone call following re-routing.
13. The method as described in Claim 8 further comprising:
 - having a user of the wireless device initiate the establishing of the first direct wireless communication link by entering given control commands in the wireless device.
14. A communication system, comprising:
 - a wireless device having a first transceiver;
 - a wireline device having a second transceiver;
 - a short-range direct wireless communications link over which the wireless and wireline devices communicate using their respective first and second transceivers;
 - and

means operative in the wireless device for transferring an in-progress telephone call from the wireless device to the wireline device.

15. The communications system as described in Claim 14 wherein the means for transferring comprises:

means for transmitting a request message to the wired device over the direct wireless communications link requesting transmission of an identifier;

means for receiving the identifier transmitted from the wired device to the wireless device over the direct wireless communications link; and

means for transmitting the identifier together with a call transfer request to a network device to re-route the in-progress telephone call.

16. The communications system as described in Claim 14 wherein each of the transceivers is provisioned according to a given RF protocol.

17. The communications system as described in Claim 16 wherein the given RF protocol is Bluetooth.

18. A wireless device, comprising:

a processor;

a short-range wireless transceiver;

memory coupled to the processor, tangibly embodying a program of instructions executable by the processor for transferring an in-progress telephone call from the wireless device to a selected wireline device by the following method:

- controlling the short-range wireless transceiver to transmit a request message directly to the wired device over a short-range wireless communications link requesting transmission of an identifier;

- controlling the short-range wireless transceiver to receive the identifier transmitted from the wired device directly to the wireless device over the short-range wireless communications link; and

- transmitting the Identifier together with a call transfer request to a given network device to request re-routing of the in-progress telephone call.

19. A wireline device, comprising:

- a processor;

- a short-range wireless transceiver;

- memory coupled to the processor, tangibly embodying a program of instructions executable by the processor for receiving a transfer of an in-progress telephone call from the wireless device by the following method steps:

- controlling the short-range wireless transceiver to receive a request message transmitted directly from the wireless device over a short-range wireless communications link requesting transmission of an identifier; and

- controlling the short-range wireless transceiver to transmit the identifier directly to the wireless device over the short-range wireless communications link.